IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 457 of 2007(D)

PETITIONER:

ABDUL SALIM, S/O.IBRAHIMKUTTY,
AGED 35 YEARS, VALIYAVEETTIL INDUSTRIES,
KIZHAVOOR, MUKATHALA P.O., KOLLAM.

BY ADV. SRI.JACOB SEBASTIAN
SRI.RASHID.M.A.

RESPONDENTS:

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1. THE KERALA FINANCIAL CORPORATION,
REP.BY ITS MANAGING DIRECTOR, VELLAYAMBALAM,
THIRUVANANTHAPURAM.

2. THE CHIEF MANAGER, KERALA FINANCIAL
CORPORATION, KOLLAM BRANCH.

BY ADV. SRI.A.A.ABUL HASSAN, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C). No.457 Of 2007

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Dated this the 8th day of February, 2007.

J U D G M E N T

Heard.

This writ petition is filed seeking a direction to the respondents to give the details of the amounts to be paid by the petitioner to settle the loan account and for a mandamus to consider and dispose of Ext.P11.

3. The respondent (Kerala Financial Corporation) have placed a counter affidavit stating that in spite of Ext.P9 judgment, not a pie has been paid. It is also pointed out that though the petitioner issued six cheques to the respondents, three of them bounced on presentation and therefore the respondents did not take the risk of presenting the other cheques since they would only loose the collection charges. It is pointed out that this writ petition is an abuse to the process of court. Along with Ext.R1(a), statement of accounts was given to the petitioner under due acknowledgment of the manager of the petitioner.

In the result I do not find any ground to interfere with this writ petition. I am satisfied that this is an instance of abuse of process of Court. Hence this writ petition is dismissed with interest of 10,000/- to the respondents.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj